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In re Application of

Chaur-Wen

Application No. 09/828,765

Filed: April 9, 2001

Attorney Docket No. JCLA6451

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: DECISION ON PETITION  
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This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed January 23, 2006.

The petition is **granted**.

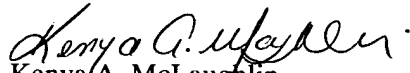
The above-identified application became abandoned for failure to reply to the non-final mailed October 4, 2003. The notice set a shortened statutory period for reply of three months from its mailing date. No response was received within the allowable period, and the application became abandoned on January 5, 2004. A Notice of Abandonment was mailed on October 1, 2004.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 2600, GAU 2654 for resetting of the time period for responding to the non-final Office action and re-mailing of the same.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions